

**MISSISSIPPI COURT OF APPEALS
NO. 2015-CA-00107-COA**

NATHAN SINKO

APPELLANT

VS.

STATE OF MISSISSIPPI

APPELLEE

APPEAL FROM THE CIRCUIT COURT OF OKTIBBEHA COUNTY, MISSISSIPPI

MOTION FOR JUDICIAL NOTICE OF PUBLIC DOCUMENTS

Pursuant to MISSISSIPPI RULE OF EVIDENCE 201, Appellant, Nathan Sinko, by and through counsel, moves this Court to take judicial notice of certain public documents which are pertinent to Appellant's Motion for Expedited Consideration of Appeal. Appellant requests judicial notice of:

1. Memorandum Opinion and Order in the Circuit Court of Lauderdale County, Mississippi in the case styled, *Karissa Lyons Hill v. State of Mississippi*, Cause No. 15-CV-050(W), attached hereto as Exhibit "A."

2. A list of inmates paroled from January 1, 2011 through September 22, 2014 for the offenses of sale or manufacturing controlled substances other than marijuana. This list consists of over 3,000 persons and is attached hereto as Exhibit "B."

3. A list of names and addresses of every individual deemed ineligible for parole for the offense of sale or manufacturing controlled substances other than marijuana, excepting those individuals constituting habitual offenders from January 2011 through September 2014. This list consists of over 800 persons and is attached hereto as Exhibit "C."

4. A list of every individual who has been notified of being paroled, but subsequently denied release from the time period of June, 2014 through August 2014. This list consists of 66 persons and is attached hereto as Exhibit “D.”

5. This Court should take judicial notice of the above-mentioned documents because the Memorandum Opinion and Order, Exhibit “A,” is an official court record. Exhibits “B,” “C,” and “D,” are public records furnished by the Mississippi Department of Corrections, pursuant to an email request made by Counsel Honey Ussery through the email attached hereto as Exhibit “E.” There is, therefore, no reason to question the authenticity of any of the documents.

6. The documents are relevant to Appellant’ contemporaneously-filed Motion to Expedite Appeal because:

- A. Exhibit “A” demonstrates that the Circuit Court of Lauderdale County, Mississippi has held that – contrary to the results in the instant case – the new MDOC’s policy misinterprets Mississippi law.
- B. Exhibit “B” demonstrates that over 3,000 persons have been actually released on parole after being convicted of the sale or manufacturing of controlled substances other than marijuana, in the time period between January 2011 and September 2014.
- C. Exhibit “C” demonstrates that over 800 inmates have been deemed ineligible for parole, even though their offenses were the same as those listed in Exhibit “B.”
- D. Exhibit “D” demonstrates an additional 66 inmates (including Appellant) have been notified that they are paroled, but then denied release.

The above documents should be considered by this Court in deciding whether to expedite the present appeal. A Motion to Expedite the Appeal is being filed contemporaneously.

RESPECTFULLY SUBMITTED, this the 15th day of July, 2015.

NATHAN SINKO, Appellant

By: /s/ *Jim Waide*
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ATTORNEYS FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the MEC system which sent notification of such filing to the following:

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THIS, the 15th day of July, 2015.

/s/ Jim Waide
JIM WAIDE